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Tr.C.M.P.No.868 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.868 of 2024
and C.M.P.No.19183 of 2024

S.Aarthi Priya

... Petitioner

Vs.

P.Arun Kumaran

... Respondent

PRAYER: The Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the case in H.M.O.P.No.2413 of 2024 on the file of the VI Additional Family Court, Chennai and transfer the same to the file of the Sub Court, Ranipet District.

For the Petitioner : Mr.M.Raja

For the Respondent : Mr.C.Ruban D.Silva

ORDER

This Transfer Civil Miscellaneous Petition seeks for transfer of H.M.O.P.No.2413 of 2024 from the file of the VI Additional Family Court, Chennai to the file of the Sub Court, Ranipet.



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2. The petitioner solemnized her wedding with the respondent on 06.03.2022 at Kalavai in Ranipet. Subsequently, they set up their matrimonial home at Perambur in Chennai. At the time of marriage, the petitioner is the 2nd year student of B.Sc., (Microbiology) in a College at Kalavai in Ranipet. Due to disputes and differences, the parties have separated. The wife has returned to Kalavai and the husband has continued to live in the matrimonial home at Perambur.

3. The husband initiated H.M.O.P.No.2413 of 2024 seeking for divorce on the ground of cruelty. On being served with the summons, the wife came over to Chennai and entered appearance before the Family Court. Thereafter, finding it difficult to travel from Ranipet to Chennai for every hearing, she has moved the present transfer petition.

4. Notice was ordered in the present petition and Mr.C.Ruban D.Silva entered appearance for the respondent.

5. I have heard, Mr.M.Raja and Mr.C.Ruban D.Silva for the respective



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parties.

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6. The relationship between the parties and places of their residences are not in dispute. The petitioner is aged about 21 years. I cannot expect a 21 years old woman to travel all alone to Chennai. This will put her into serious prejudice. The inconvenience caused to her increases from the fact, she is not employed and she is only a mere graduate.

7. The husband is employed with a prestigious institution viz., Infosys. If the proceedings are transferred to the Sub Court, Ranipet, there is no necessity for the husband to travel from Chennai to Ranipet, for the purpose of contesting the litigation. In a Sub Court, he can always be represented by a counsel. He needs to appear only when his presence is essential. However, if the proceedings are retained at Chennai, the wife would necessarily have to present herself for every hearing.

8. Therefore, taking into consideration, the convenience of wife, H.M.O.P.No.2413 of 2024 is withdrawn from the file of the VI Additional Family Court, Chennai and transferred to the file of the Sub Court, Ranipet.



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9. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

29.10.2024

Index : Yes/No

Neutral Citation : Yes/No

Speaking order / Non-speaking order

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To

1.The Judge,
VI Additional Family Court, Chennai.

2.The Sub-Judge
Sub Court, Ranipet District.



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V.LAKSHMINARAYANAN, J.

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